

REMARKS

I. INTRODUCTION

Claims 1 and 16 have been amended. Claims 3 and 15 have been cancelled. The drawings have been amended. Support for the claim amendments can be found at least at ¶ [0016] and Fig. 3a of the published application. Thus, claims 1, 2, 4-14 and 16-18 remain pending in the present application. No new matter has been added. In light of the above amendments and the following remarks, Applicants respectfully submit that all presently pending claims are in condition for allowance.

II. THE DRAWING OBJECTIONS SHOULD BE WITHDRAWN

The drawings stand objected to for failing to comply with 37 C.F.R. § 1.83(a). Specifically, the Examiner objects to the drawings for failing to show the “plurality of receivers” in claim 15. It seems that this objection was copied from the previous Office Action dated August 17, 2009 since claim 15 was previously cancelled by the Amendment dated December 16, 2009. Therefore, the withdrawal of this objection is respectfully requested.

The drawing amendment to Fig. 2a submitted on May 4, 2009 stands objected to under 35 U.S.C. 132(a) for introducing new matter into the disclosure. Specifically, the Examiner states that the receivers 15” are not supported by the original disclosure. (See 12/24/09 Office Action, p.2). In view of the amendments to the drawings, the withdrawal of this objection is respectfully requested.

III. THE 35 U.S.C. § 112 REJECTION SHOULD BE WITHDRAWN

Claims 1, 2, 4-14, and 16-18 stand rejected under 35 U.S.C. §112, second paragraph, for being indefinite. Specifically, the Examiner states that the recitation of “contacting an edge region surrounding the opening” in claims 1, 12, and 16 makes it unclear if the subcombination of the module or the combination of the module and opening of the door is being claimed. Applicants respectfully disagree. Initially, it is respectfully submitted that “the opening” in claims 1, 12, and 16 is not positively recited

but merely provides the context for the present invention so that the reader understands the orientation of the module with respect to the opening. To infringe upon the claimed invention, one would not need to make the module with the opening, but merely the module alone. Therefore, Applicants respectfully request the withdrawal of this rejection.

IV. THE 35 U.S.C. § 102(b) REJECTION SHOULD BE WITHDRAWN

Claims 1, 2, 4-7, 12, and 16-18 stand rejected under 35 U.S.C. §102(b) for being anticipated by Koa et al. (U.S. Patent No. 6,412,852).

Claim 1, as amended, recites, “[a] module for covering an opening in a motor vehicle door and for supporting a door inner trim, comprising: a base body including a base and at least one bracket movable with respect to the base, the bracket including a supporting surface contacting an edge region surrounding the opening, the bracket including at least one fixation point for fastening to the door inner trim, and *fixation elements for fastening the module on an edge region of the opening, wherein the fixation elements and the at least one bracket are functionally independent.*”

Koa discloses an outer surface (21) that faces the outside of the vehicle and an inner surface (22) that faces in the inside of the vehicle. (See Koa, col. 5, ll. 5-8). Koa also discloses a water, dust, and sound “attenuating barrier for positioning between the interior surface of a vehicle door exterior panel and the door interior trim panel.” (See Id., Abstract). The barrier sheet (36) has an outer surface (37) that faces the exterior door panel (11). The Examiner equates the sheet portion (41) of Koa to the claimed bracket. Also, the Examiner refers to holes (39) of Koa to meet the claimed fixation point for fastening to a door trim, which the Examiner equates to Koa’s interior trim panel (20). Fastener members (25) are formed on the inner surface of the interior trim panel (20) for coupling with the holes (39). (See Id., col. 5, ll. 50-53, Fig. 4). However, it is clear that the fastening members (25) mate with hole 39 as well as hole 28, which is in the exterior trim panel. So, according to Koa’s disclosure, the fixation elements for fixing a module on an edge of an opening would be the same as the holes for attaching the inner trim

panel to the door module. Therefore, the fixation elements and the sheet element are not functionally independent, but are instead functionally connected to each other. Through holes 39 and 28 of Koa introduce another possibility for penetration from the wet side of the door to the dry side, which is the primary problem the claimed invention seeks to overcome. Accordingly, Koa fails to disclose or suggest “*fixation elements for fastening the module on an edge region of the opening, wherein the fixation elements and the at least one bracket are functionally independent*,” as recited in claim 1. Applicants respectfully submit that claim 1 and its dependent claims 2, 4-7, and 12 are allowable over Koa.

Claim 16 recites limitations substantially similar to those of claim 1. Thus, Applicants respectfully submit that claim 16 and its dependent claims 17-18 are allowable over Koa for at least the foregoing reasons presented with regard to claim 1.

Claims 1, 2, 5-9, and 11-14 stand rejected under 35 U.S.C. §102(b) for being anticipated by Lau et al. (U.S. Patent No. 5,048,234).

Similarly, Lau discloses a module panel (24) that is mounted in an opening (22) of a door inner panel (14) by means of a plurality of energy absorbing devices (52, 54, 56, 58, 60). (See Lau, col. 2, ll. 26-43). The Examiner equates the opening in the energy absorbing devices (52, 54, 56, 58, 60) through which bolt 66 extends to fasten the module panel (24) to the claimed fixation point. However, even if this equation were correct, which Applicants do not concede, these fixations points are not independent of “*fixation elements for fastening the module on an edge region of the opening*,” as recited in claim 1. Therefore, Applicants respectfully submit that Lau suffers from the same deficiency as Koa and that claim 1 and its dependent claims 2, 5-9, and 11-14 are allowable over Lau.

V. THE 35 U.S.C. § 103(a) REJECTION SHOULD BE WITHDRAWN

Claim 10 stands rejected under 35 U.S.C. §103(a) for being obvious over Lau.

As previously stated, Lau fails to disclose or suggest “*fixation elements for*

fastening the module on an edge region of the opening, wherein the fixation elements and the at least one bracket are functionally independent,” as recited in claim 1. Therefore, because claim 10 depends on and, therefore, contains all of the limitations of claim 1, it is respectfully submitted that claim 10 is allowable.

CONCLUSION

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: April 23, 2010

By: 

Greg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, New York 10038
Tel.: (212) 619-6000
Fax: (212) 619-0276

Annotated Sheet

